

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**Commander KENNETH J. WHITWELL,**

**Plaintiff,**

**v.**

**REV. EDWARD J. SMITH,**

**Defendant.**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**C.A.No. 05-796-SLR**

**NOTICE OF DEPOSITION OF THE DEFENDANT REV. EDWARD SMITH IN AID OF  
EXECUTION**

TO: Rev. Edward J. Smith  
Immaculate Conception Priory  
1269 Bayview Road  
Middletown, DE 19709

PLEASE TAKE NOTICE that the undersigned counsel for the plaintiff will take the oral deposition of the defendant in aid of execution, at the time and date indicated, continuing from day to day until completed, at the offices of The Neuberger Firm, P.A., Two East Seventh Street, Suite 302, Wilmington, Delaware 19801.

The deposition will be taken by stenographic means and also videotaped.

**NAME:**

**DATE and TIME**

Rev. Edward J. Smith

July 30, 2008 at 10:00 a.m.

**THE NEUBERGER FIRM, P.A.**

/s/ Stephen J. Neuberger

**THOMAS S. NEUBERGER, ESQUIRE (#243)**

**STEPHEN J. NEUBERGER, ESQUIRE (#4440)**

Two East Seventh Street, Suite 302

Wilmington, Delaware 19801

(302) 655-0582

TSN@NeubergerLaw.com

SJN@NeubergerLaw.com

Dated: June 12, 2008

Attorneys for Plaintiff

**CERTIFICATE OF SERVICE**

I, Thomas S. Neuberger, being a member of the bar of this Court do hereby certify that on June 12, 2008, I electronically filed this **Pleading** with the Clerk of the Court using CM/ECF. I have sent a copy of this Pleading via email to the following:

Kathleen Jennings, Esq.  
Wilmington Trust Center  
1100 North Market Street  
Suite 1001  
Wilmington, DE 19801  
KJennings@WOLFBLOCK.com

/s/ Thomas S. Neuberger  
**THOMAS S. NEUBERGER, ESQ.**

cc: Wilcox & Fetzer  
Delmarva Reporting/Video  
client